

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CURTIS McDANIEL,

Plaintiff,

-against-

THE PEOPLE OF THE STATE OF NEW YORK, et
al,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/27/2021

1:19-CV-7680 (AJN) (KHP)

ORDER

CURTIS McDANIEL,

Plaintiff,

-against-

NYC FIRE DEPARTMENT, NYC POLICE
DEPARTMENT, JOHN and JANE DOES 1-7,
CITY OF NEW YORK,

Defendants.

KATHARINE H. PARKER, United States Magistrate Judge:

According to the docket in this case, Plaintiff Curtis McDaniel filed his Complaint on August 14, 2019 (ECF No. 3.). On September 6, 2019, the Honorable Colleen McMahon granted the Plaintiff leave to amend his complaint (ECF No. 6.) Plaintiff filed his Amended Complaint on October 1, 2019. (ECF No. 7.) On November 15, 2019, the Honorable Colleen McMahon directed the Plaintiff to file an amended complaint to address deficiencies in his original pleading. (ECF No. 12.) On January 22, 2020, the Plaintiff filed a second Amended Complaint. (ECF No. 14.) Defendants filed an Answer to Plaintiff's Second Amended Complaint on March 4,

2021 (ECF No. 51.) Thereafter, the Plaintiff asked to consolidate his cases, and the Honorable Colleen McMahon granted his motion to consolidate cases (ECF No. 53.)

Now, the Court is in receipt of Plaintiff's letter requesting permission to add information to his Second Amended Complaint at ECF No. 14. (ECF No. 60.)

A motion to supplement pleadings under Rule 15(d) is properly made "when a party seeks to plead events which have happened since the date of the pleading sought to be supplemented." *Marcucci v. N.Y. District Council of Carpenters Welfare Fund*, No. 97 Civ. 7406(LBS), 2001 WL 1622213, at *2 n. 3 (S.D.N.Y. Dec.17, 2001). In accordance with Fed. R. Civ. P. 15, a party may amend its pleading once as a matter of course within 21 days after serving or if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or(f), whichever is earlier. Fed. R. Civ. P. 15(1). In this case, Plaintiff already has amended his pleading as a matter of right. Therefore, according to Rule 15, a party may amend its pleading only with the opposing party's written consent or the court's leave. *Id* Therefore, the court will provide the Defendant with 14 days to respond to whether it consents to Plaintiff's request and, if it does not consent, state the reasons therefore. Defendant's response is due **Thursday, June 10, 2021.**

The Clerk of Court is requested to mail a copy of this order to the Plaintiff.

SO ORDERED.

Dated: May 27, 2021
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge

The Clerk of Court is requested to mail a copy

of this order to:

Curtis McDaniel

DIN # 20-A-0242

Bare Hill Correctional Facility

Caller Box 20

181 Brand Road

Malone, NY 12953